

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LORI GREINER, individual, and  
FOR YOUR EASE ONLY, INC.

Plaintiffs,

v.

CVS CAREMARK CORPORATION, CVS  
PHARMACY, INC., and ATICO  
INTERNATIONAL USA, INC.,

Defendants.

Case No. 07 C 6451

The Honorable Judge Charles Norgle

Magistrate Judge Susan Cox

**DEFENDANT ATICO'S UNOPPOSED MOTION TO WITHDRAW MOTION TO  
DISMISS AND TO ENLARGE TIME FOR ANSWER AMENDED COMPLAINT**

Defendants, Atico International USA, Inc. (Atico), CVS Caremark Corporation, and CVS Pharmacy, Inc., by their counsel, move for leave to withdraw Atico's Motion To Dismiss and For Extension of Time To Answer Plaintiffs' Amended Complaint. In support of their motion, Defendants state as follows:

1. On January 7, 2008, Atico moved to dismiss Plaintiffs' Complaint pursuant to F.R.C.P. 4, 10, and 12.
2. On January 17, 2008, on the day before the hearing on Atico's Motion To Dismiss was noticed for presentation, Plaintiffs filed an amended complaint in which they attempted to respond to the defects identified in Atico's Motion To Dismiss.
3. Plaintiffs caused summons and the Amended Complaint to be served upon Defendants, CVS Caremark Corporation, and CVS Pharmacy, Inc. on or about January 24, 2008.

4. On February 1, 2008, Plaintiffs filed a brief in response to Atico's Motion To Dismiss.

5. Subsequently, counsel for Plaintiffs and Defendants conducted a telephone conference to discuss Atico's Motion To Dismiss as well as other issues between the parties. In the course of that discussion, counsel for Plaintiffs and for the Defendants reached an agreement that Atico would withdraw its motion to dismiss and that Defendants would answer the amended complaint on or before February 11, 2008.

6. It was further agreed in the conference call between counsel for each of the parties that, by withdrawing the motion to dismiss and answering the amended complaint, Defendants would waive only their objections to personal jurisdiction in this action and would not waive their arguments as to the substantive defects in Plaintiffs' Amended Complaint.

Plaintiffs oppose neither the withdrawal of Atico's Motion To Dismiss nor the requested extension of time to February 11, 2008, for Defendants to answer the Amended Complaint.

WHEREFORE, Defendant, Atico Internatioal USA, Inc., asks for leave to withdraw its motion to dismiss and Defendants, Atico Internatioal USA, Inc., CVS Caremark Corporation, and CVS Pharmacy, Inc., ask for leave to respond to Plaintiffs' Amended Complaint on or before February 11, 2008, and for such other relief as this Court deems just.

Dated: February 7, 2008

Respectfully Submitted,

/s/ David B. Goodman  
Counsel For Defendants

*Attorneys for Defendants*

David B. Goodman ( IL Bar No. 6201242

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**CERTIFICATE OF SERVICE**

David B. Goodman, an attorney, hereby certifies that he caused a copy of DEFENDANT ATICO'S MOTION TO WITHDRAW MOTION TO DISMISS AND TO ENLARGE TIME TO ANSWER AMENDED COMPLAINT through the CM/ECF Court Filing System to be served on:

Donald B. Levine  
Latimer LeVay Jurasek LLC  
55 West Monroe Street  
Suite 1100  
Chicago, IL 60603

and by First Class U.S. Mail from 321 N. Clark Street, Suite 800, Chicago, Illinois in properly addressed envelope with postage prepaid to be served on:

Daniel W. McDonald  
Merchant & Gould P.C.  
3200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402-2215

on this 7<sup>th</sup> day of February, 2008.

/s/ David B. Goodman  
David B. Goodman